

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-13 were pending in this application. Claims 1, 3, and 10 have been amended. Accordingly, claims 1-13 will remain pending herein upon entry of this Amendment, of which claims 1, 3, and 10 are independent claims. Support for the amendment to each of the claims can be found at, for example, page 4, lines 24-37, and page 19, line 34 to page 20, line 5 of the present application. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1-8 were reject under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,615,039 to Eldering ("Eldering") and claims 9-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eldering and U.S. Patent 6,701,355 to Bhagavath et al. ("Bhagavath"). To the extent these rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

Amended claim 1 relates to a method for sever side insertion of content into streaming media, and recites, among other things, substituting by an insertion plugin, in response to a signal associated with content desired by the user, packets of content to be inserted for packets of content desired by the user without requiring a re-buffering between the packets of content to be inserted and the content desired by the user, and adjusting the time of at least one packet of content to be inserted to match the time of at least one substituted packet of content desired by the user. This "non-re-buffering" feature is also recited in amended claims 3 and 10. For

example, the method recited in amended claim 3 comprises establishing an offset between the starting point of the break and an initial packet of the prefetched content, the offset being subtracted from a timestamp associated with the initial packet of the prefetched content, removing from the data stream packets corresponding to a length of the break, inserting the prefetched packets into the data stream to replace the removed packets without requiring a re-buffering between the prefetched packets and the data stream, and adjusting the time of at least one inserted packet to match the time of at least one removed packet.

Amended claim 10 recites a decision server responsive to the impending break in the media stream for directing the insertion of content from the source of content to be inserted into the media stream for substantially the duration of the break, wherein data packets of the content received from the streaming server that corresponds to a length of the break are removed and are replaced by the content to be inserted by the inserstion plugin without requiring an re-buffering between the media stream and the content to be inserted.

Furthermore and significantly, the insertion process of amended claims 1, 3, and 10 is performed at a server side rather than a user side.

Support for the “non-re-buffering” feature can be found in the specification. For example, at page 4, lines 24 to 37, as the data stream of the original content and the newly inserted content is an unbroken stream, client players will not rebuffer between the pre-existing content and the inserted content, thereby causing no delay by rendering a gap in the audio and resulting in a better experience for the user. Furthermore, for the “substituting” feature, in a live broadcast model, if the list of content to be inserted has been received and no error, for each Live

Source packets which arrives, a request is made to read packets from the local file to be inserted and the Live Source packet is held in a queue. When a local file packet is successfully read, the time is adjusted to match the current stream time, and any corresponding packets from the Live Source stream are removed from the queue and discarded. In this manner, after desired packets of content to be inserted are inserted, the user's machine continues playing Live Source packets received after the insertion is completed. For an on demand model, no Live source exists.

Content to be played is pre-recorded and is in a form of XML playlist files.

Applicants respectfully submit that neither Eldering nor Bhagavath teaches or suggests the "substituting" and "non-re-buffering" features recited in amended claims 1, 3, and 10 for the reasons stated below.

As seen in Figure 5 of Eldering, the data stream includes default advertisement segments or empty segments positioned between two programming data. When there is a requirement for inserting an advertisement, the inserted advertisement will be inserted to replace the default advertisement segments. The substituting, however, is not for packets of content desired by the user (i.e., the programming data,) as recited in amended claim 1. Moreover, in Eldering, there is no disclosure or suggestion regarding removing from the data stream packets corresponding to a length of the break, inserting the prefetched packets into the data stream to replace the removed packets, as recited in amended claim 3, or similarly recited in amended claim 10. It is clear from Figure 5 of Eldering that the programming stream is divided into segments of which some of the segments are reserved for advertisement insertion. Therefore, no programming stream is required to be removed to be replaced by the advertisement.

Furthermore, Eldering does not disclose or suggest the non-re-buffering feature recited in amended claims 1, 3, and 10.

Accordingly, it is respectfully submitted that claims 1-8 are not anticipated by Eldering and should be patentable.

Bhagavath relates to a method for dynamically inserting advertising/announcements into a streaming media in response to a user request and to a realization of conditions preselected by a source of the advertising/announcements. Bhagavath mainly focuses on how to insert advertising/announcement based on a customer request. Bhagavath, however, fails to teach or suggest the “substituting” and “non-re-buffering” features of amended claims 1, 3, and 10 as mentioned above.

Therefore, as neither Eldering nor Bhagavath teaches or suggests the “substituting” and “non-re-buffering” features, it would not have been obvious for one skilled in the art to combine these two references to achieve the system of amended claim 10. Accordingly, Applicants respectfully submit that claims 10-13 and 9 should be also patentable.

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In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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